

COMMISSIONERS APPROVAL

LUND 

THOMPSON 

CHILCOTT 

TAYLOR (Clerk & Recorder)

Date.....January 23, 2006

Members ..... Commissioner Greg Chilcott,  
Commissioner Alan Thompson and Commissioner Betty Lund

Minutes: Sally Fortino

The Board met for discussion and approval of the Access Encroachment Permit Policy, and discussion and approval of the 7-year operation plan. Present for this meeting were David Ohnstad, Road and Bridge Supervisor; Karen Hughes, Planning Department; and Lori Schallenberger; Planning Board Member.

David presented the newly expired contractual agreement with WGM (Primary Engineers) and PCI Consulting Engineers), terms and duration of agreement 1/01/05-12/31/05. The engineers have requested an extension of the agreement, with rate schedule and amended rate schedule and contract form (see attachment). David said he recommends signing the extensions of agreement for WGM & PCI.

Commissioner Lund asked how the large rate hike is justified. David said the majority of is the result of Engineer salary increases.

Commissioner Lund asked how much we have paid either firm this last year. David said he estimates Ravalli County has paid PCI approximately \$7,000 and WGM \$15,000-\$20,000, with costs reimbursed through project development. Such support services, provided through in-house engineers, would be exorbitant. A consulting engineer has many advantages over an engineer on staff.

David and the Board of County Commissioners briefly discussed the advantages and disadvantages of having a consulting engineer on staff.

Commissioner Chilcott asked the other Commissioners if they considered discussion of the contract a ministerial function. Commissioners Lund and Thompson agreed the contract was already in effect, making its discussion a ministerial function.

Commissioner Lund made a motion to extend the contract to WGM as Primary Consultant and PCI as Secondary Consultant for one year to December 31, 2006, with the new rates. Commissioner Thompson seconded the motion. Discussion followed.

Commissioner Thompson said they should look into putting an engineer/surveyor on staff. Commissioner Lund said it could not be done for the price quoted in the contract. Commissioner Thompson said we should revisit the issue as we approach the end of the present budget year.

Commissioner Lund said she does not disagree, but there are other considerations. Commissioner Chilcott said we need to consider doing another RFP when we see a 15-25% increase in fees. He added that he is not supportive of such a significant jump in service prices.

The motion was put to vote, and all voted 'aye'.

David said the Road Department is hauling aggregate, as weather permits, to repair road damage from winter temperatures. They have mitigated some concerns. Though it hasn't been a bad winter, the freezing temperatures and lack of drainage takes a toll. David referred to Resolution # 795 from August of 1996, into which he has incorporated the engineer's comments. He recommended adoption by resolution of this new policy.

Commissioner Thompson asked if it would replace the first one. David said the new one incorporates everything into one.

Commissioner Chilcott said there are a number of agricultural operations in the County with gates in and out of fields, and probably no encroachment permit. Prescriptive easements are presumed. How are we going to implement that?

David said they are historical uses and existing uses. Ideally they would be brought into the system. Those that pose no threat to public health and safety will continue; we will work with those that do pose such a threat. This is mainly aimed at new situations. Commissioner Thompson asked if the numbers are consistent with subdivision regulations. David said they are consistent with road standards, which are part of subdivision regulations. They are based on the same standards.

A discussion of road standards and language in the document followed. Commissioner Thompson asked if the document is significantly different from the previous one.

David said there is nothing with access control in the old document. The new proposal presents that. Page 1 addresses authority and implementation; Page 2 addresses the purpose for obtaining the permit. There follows validation of permits included in the subdivision coordination policy.

Commissioner Lund asked about the \$125 fee to get the final permit. David said final plat approval would convert into the standard permit, if no issues were found. Construction of accesses would require coordination between owners and the County.

Commissioner Chilcott commented on the number of gravel roads in the County, saying many people own heavy equipment sufficient for building a road. He asked why the County should overload the public to where they have to break the law to get the job done.

David said he understands the concern, but where a problem could fall back on the County, it would be better to use a contractor. Use of access, and changes to use of access should require the owner to obtain a permit. Different criteria need to be considered. If existing access has been constructed that does not pose a threat to public health and safety, it would be allowed. Where they do pose a threat, the Road Department will work with the property owner to mitigate the threat. The intent is to grandfather in those accesses that pose no threat.

Commissioner Chilcott commented there could be three new commissioners in place six years from now. He would like to put in something that clarifies the intent of the Board of County Commissioners, to memorialize the intent, not just assume it. David said he would add a clause to specify intent.

David referred to page 5 of the new document, commenting that the language is similar to the roadway management policy. He stated this is our responsibility under State law. Commissioner Lund said she shares the same concern; there are many people with encroachments. We know they are illegal, but we have to look at the status of the road. David said, in reference to Old Darby Road, that he tried to provide for appropriate drainage so the roadway wouldn't disintegrate.

David said the new document has the same language as has already been adopted. It is the same as in the policy that has been in effect for ten years. He is relying on the professional judgment of people hired to manage the systems. It is a matter of judgment. The policy deals with accesses within its scope.

Commissioner Lund said this is an access policy, with encroachments thrown in. David said it is not his intent to go out after unlawful approaches, but they must be addressed if they are unsafe for the public.

Commissioner Thompson said State law says obstructions must be removed if they are a hindrance to safety.

David referred to the portion of the policy dealing with the differences between private and subdivision approaches. He said subdivisions must fall within the regulations.

Commissioner Chilcott said the fee increases are in line with expenses incurred.

David said the Control Standards are new to Ravalli County, but are not a new concept.

They won't pertain to some of the roads here, and for others it is already too late. State DOT is experiencing the same thing from Missoula to Darby. The County, State and Country are changing. There are more people and more traffic. These will help manage growth. We need to prevent congestions on major highways so traffic can be managed on them.

The word "should" is used frequently throughout the document, instead of "shall". It should be our goal to manage access. All of Section 3 of the policy is new. In a perfect world it wouldn't be a problem. We need guidelines to prevent 55 mph major collector highways with too many accesses. These are minimum guidelines.

One access is sufficient for a private parcel. Subdivisions are covered under subdivision regulations.

Commissioner Chilcott addressed minor collector roadways having 200 feet between accesses onto the roadway. He stated this is an impossible situation.

David said consideration has been made to cover the existing situations. It is a matter of judgment, application and discretion.

Commissioner Chilcott said this should not limit someone's private property right. David said some modifications to request for access might be necessary, but he wrote this to be permissive and not arbitrary.

David referred to the section on design standards, which updates the language in the old policy, and clarifies and amends past practices, particularly in relation to alignment and approach radii. Commissioner Lund asked if County roads would be fixed to be in compliance. David said new construction, where the Road Department has latitude to make improvements, would come first. Commissioner Lund asked if the impetus is for new construction. David said it is.

David referred to mail delivery turnouts, saying that many County roads are high volume, high-speed roads, and safety must be considered for those stopping and for those passing. Speed change lanes, and a vast majority of permitted accesses: these situations will be identified through traffic impact statements/studies. There was a general discussion of places where this condition exists. A study would consider the effect where multiple subdivisions may seriously overload existing highways.

David addressed the subject of sight distance. He said a consulting engineer has validated our assumptions. Subdivision access must reflect the subdivision regulations.

Various items rounded out the discussion:

- Illicit discharge of water over highways
- Management of easements
- Prohibiting fixed obstacles, such as concrete bases for mailboxes

- Gates placed in public easements
- Application of standards

David pointed out the necessity for input from the Road Department in regard to decisions on variances.

David finished his presentation by calling the attention of the Board of County Commissioners to the last item addressed in the policy: a provision to ensure the people have access to seek redress before the Board of County Commissioners.

Commissioner Thompson made a motion to adopt the Access Encroachment Policy as presented, after public comment.

Public comment:

Mr. Lambert wanted to see if the new Proposal would include all new subdivisions. David said the new Proposal would complement regulations already in place. If a property were divided between several people, a permit would be required to readdress the situation. Karen said this policy is focused on the edge of the road to the edge of the right of way.

Lori said if the approach is gravel, then the road is gravel. You don't have to pave it. She said the document doesn't sound like it was written to be permissive. Commissioner Chilcott said 'should' is permissive, 'shall' is restrictive'. Commissioner Lund said she noted 'shall' throughout the document. David said where 'shall' is important to the application; it must be that way. Commissioner Chilcott said 'should' sets the bar but leaves wiggle room.

Lori said the Fire Department wants two accesses for each subdivision. David said subdivision regulations take precedence. Karen added loop roads are restricted for individual lots. Lori suggested the language is unclear.

Kathleen Driscoll added she is concerned for main highways, and so much access off the main highway. The situation should be kept flexible, and new highways will require flexibility to keep deaths down.

David said it is a significant challenge for highway management. Traffic is nearly four times what it was.

Commissioner Lund said subdivisions are getting larger and larger. The Board of County Commissioners doesn't want to redo what is put in place.

Mr. Lambert asked for copies of the documents presented, and received them from David.

There was no further discussion.

The motion died for lack of a second.

Commissioner Lund made a motion to continue the meeting to Thursday morning, January 26, 2006 at 8:30 a.m. Commissioner Thompson seconded and all voted 'aye'.

David presented the Board of County Commissioners with the Seven-Year Operation Plan, in preliminary draft form.

Commissioner Thompson said he didn't see significant change.

David said he has received no comments from those who have viewed it. It is in its preliminary stage, and discretion should be applied. It lays out certain processes that he feels would be beneficial. David would like to initiate the plan in February, addressing the most important things immediately, and taking others in the order of importance. Commissioner Chilcott said those issues should help with the study of impact fees, etc.

David briefly explained the major items.

Item one: roadway improvement standards, which are reflected in adopted road standards. This establishes a more formal procedure.

Item two: Roadway improvement objectives, focusing on safety over expansion.

Item three: Project selection criteria. Depending on the project, one may be more important than another. The character of the neighborhood should be considered within reason.

Item four: Streamline the process for public notification and involving the public.

David would like to have the projection in place and a common understanding of what that projection should be by the first part of February. As we define the longer term operating schedule, we should define what is wanted and budget for them.

There was no public comment or further Board discussion.

Commissioner Thompson moved to adopt the Seven-Year Operating Plan for the Roadway Department. Commissioner Lund seconded the motion and all voted 'aye'.

David added that his department sent out 300 dust abatement surveys; all but three respondents indicated interest in continued participation.

In other business, Commissioner Chilcott attended a meeting of the Board of Health.